

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Bernet et al.	Attorney Docket No.:	13768.783.282.1
Serial No.:	10/631,203	Group Art Unit:	2143
Filed:	July 30, 2003	Examiner:	Boutah, Alina A.
Title: NETWORK QUALITY OF SERVICE FOR QUALITATIVE APPLICATIONS			

DECLARATION UNDER 37 C.F.R. § 1.132

Timothy M. Moore
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January 29, 2008

TO THE DIRECTOR OF THE PATENT AND TRADEMARK OFFICE:

The following declaration is made to overcome a rejection based on a publication that describes portions of an invention conceived by and reduced to practice by the inventors in the present application, the publication being published less than a year before the filing date of the present application:

1. I, Timothy Moore (along with co-inventors Yoram Bernet and Ramesh Pabbati), am an applicant and co-inventor of the subject matter described and claimed in the above-identified patent application, U.S. Pat. Appl. Serial No. 10/631,203.

2. "Specification of the Qualitative Service Type" (hereinafter "Qualitative Service Type document") was published in February, 1999.

3. I am the author of the Qualitative Service Type document.

4. A Microsoft White Paper entitled "Enabling Quality of Service Windows Sockets-based Mission Critical Applications" was published on May 20, 1999, (hereinafter referred to as "Microsoft White Paper").

5. The Microsoft White Paper fails to list an author. However, the Microsoft White Paper was drafted by Microsoft personnel and substantially contains the subject matter of the Qualitative Service Type document.

6. In an Office Action dated October 11, 2007, the claims in the above-identified application were rejected as being anticipated or obvious based the Microsoft White Paper.

7. The Microsoft White Paper was published less than one year before the filing date of our above-identified application.

8. The Qualitative Service Type document was published less than one year before the filing date of our above-identified application.

9. I declare that portions of the Microsoft White Paper based on the Qualitative Service Type document, including those portions cited in the Office Action of October 11, 2007, were authored by me and my co-inventors based on subject matter that I and my co-inventors conceived of prior to the publication date of the Qualitative Service Type document.

10. I declare that the subject matter conceived of prior to the publication date of the Qualitative Service Type document include the features of the invention described and claimed in the above-identified application as developed by me and my co-inventors.

11. I hereby further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 1/29/08

Timothy M. Moore
Timothy M. Moore (Inventor)